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REMARKS

Claims 1-16, 18, 20, 21, 25-27, 29 and 30 were pending in this application. Claims 1-3, 7-8, 12-13, 16, 27 and 29 have been amended, claims 5, 15, 18, 19, 20, 21 and 30 have been cancelled and claims 31-43 have been added by the amendments presented herein. Support for the amendments to the claims and for the new claims can be found in the specification and claims as filed. No New matter has been added.

Allowability of Claims

Applicants thank the Examiner for the indication that claims 1-3 are allowable.

Withdrawal of Objections and Rejections

Applicants thank the Examiner for the withdrawal of the various objections and rejections as set forth on page 2 of the instant office action.

Objections to Claims

The Examiner has objected to claims 12, 33 and 34. Claims 33 and 34 have been cancelled, thereby rendering the objections to these claims moot. Claim 12 has been amended to clarify the claimed subject matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing objections.

Rejection of Claims Under 35 USC 101

The Examiner has rejected claim 10 under 35 USC 101 as being directed to non-statutory subject matter. Applicants traverse this rejection. However, in the interest of expediting prosecution and in no way acquiescing to the validity of the Examiner's rejection, Applicants have amended claim 10 to be directed to "isolated" transformants, thereby rendering these rejection moot. Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims Under 35 USC 112, Second Paragraph

The Examiner has rejected claims 12-14, 16, 27, 29, 35, 37 and 40-43 under 35 USC 112, second paragraph as being indefinite.

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Applicants have amended the rejected claims. Accordingly, Applicants believe the rejections have been rendered moot by the amendments. Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims Under 35 USC 112, First Paragraph

The Examiner has rejected claims 7-13, 16, 25-27, 29, 31, 32, 36-39, 40 and 41 under 35 USC 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way that the Applicant demonstrated that they had possession of the invention. Applicants traverse this rejection. However, solely in the interest of expediting prosecution, and in no way acquiescing to the validity of the Examiner's rejection, Applicants have amended the claims to replace the term "gene" with the term "cDNA".

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims Under 35 USC 102(b)

The Examiner has rejected claims 37-39 under 35 USC 102(b) as being anticipated by Ghayur et al. Applicants traverse this rejection. However, solely in the interest of expediting prosecution, and in no way acquiescing to the validity of the Examiner's rejection, Applicants have cancelled these claims, thereby rendering this rejection moot. Applicants respectfully request withdrawal of this rejection.

Rejection of Claims Under 103(a)

The Examiner has rejected claim 13 as being obvious in view of Gayer et al. As indicated above, claims 37-39 have been canceled leaving claim 13 to depend only from claims 1-3 which have been indicated as allowable by the Examiner in the instant office action. Accordingly, Applicants respectfully request the reconsideration and withdrawal of this rejection.

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CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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